HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20088 of 1999

Dated 18th April, 2007

Between

Chindada Satyavathi

…Petitioner

and

District Scheduled Castes Services Coop. Society,
Rep. By its Chairman and Collector, Visakhapatnam.

…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 20088 of 1999

ORDER:

In this Writ Petition, the petitioner has questioned the order dated 28-8-1999 issued in proceedings Rc.No. 541/88/C/SC by the respondent, cancelling the allotment of shop in the Shopping Complex constructed by the District Scheduled Caste's Services Cooperative Society, Visakhapatnam.

In the affidavit filed in support of the Writ Petition, it is stated that the husband of the petitioner, one Sri Apparao was allotted shop bearing No.2 in the shopping complex constructed by the District Scheduled Caste's Services Cooperative Society, Visakhapatnam and he was doing business in fruits in the said shop. It is stated that the husband of the petitioner died in road accident on 1-7-1999 leaving the petitioner, two sons and daughter. It is further stated that the allotment

made to the husband of the petitioner is cancelled by impugned order on the ground that some third parties are running business, in the shop No.2. It is the grievance of the petitioner that no prior notice was given to her before passing the impugned order for cancellation.

This Court by order dated 27-9-1999, while issuing notice before admission, directed to maintain status quo till further orders and the said order continued all along.

Though the Writ Petition is of the year 1999, no counter affidavit is filed on behalf of the respondent and there is also no representation on his behalf.

The allegation of the petitioner that no notice was issued before passing the impugned order is not controverted by the respondent by filing counter affidavit. A perusal of the impugned order, there is no indication of issuance of prior notice or opportunity to the petitioner. It is stated in the affidavit that in view of the sudden demise of her husband, the said shop is required to the petitioner for doing business in vegetables. In that view of the matter, having regard to the facts and circumstances of the case and in absence of the counter affidavit, I deem it appropriate to set aside the order dated 28-8-1999 issued in proceedings Rc.No. 541/88/C/SC. However, it is made clear that if the petitioner is not doing business in the shop in question, it is open for the respondent to issue notice to the petitioner afresh and pass appropriate orders.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 18-4-2007.
Msnr.